IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION NO : 244 of 2005**

Between:

Chittoory Venkata Rao, S/o. Reddy,
R/o. Tatipaka, Razole Mandal, East Godavari District.

**..... PETITIONER**

AND

1 The Person-In-Management,
Sri Visweswara Swamy Temple, Tatipaka,
Razole Mandal, East Godavari District.
2 Assistant Commissioner, Endowments Department,
Rajahmundry, East Godavari District.
3 Regional Joint Commissioner, Multi-Zone-I,
Endowments Department, Kakinada, East Godavari District.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction especially one in the nature of a Writ of Certiorari calling for the records in Appeal No.63 of 2004 before the Regional Joint Commissioner, Multi-Zone-I, Endowments Department, Kakinada and quash the order passed by the 2nd and 3rd respondents and declare the petitioner as landless poor entitled to the benefit under Sec.82(2) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987.

**Counsel for the Petitioner: MR.VL.N.G.KMURTHY**

**Counsel for the Respondents: SMT.N.INDRANI (GP FOR ENDOWMENTS)**

**The Court made the following :**

**ORDER:**

The petitioner is a cultivating tenant of Acs.2.84 cents of wet land belonging to Sri Visweswara Swamy Temple, Tatipaka, East Godavari District. The tenancy in his favour stood terminated by operation of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). He made an application before the 2nd respondent, Assistant Commissioner of Endowments, Rajahmundry, to declare him as landless poor, to avail the benefit under sub-Section (2) of Section 82 of the Act. Through his order dated 03.01.2004, the 2nd respondent rejected the application of the petitioner. Aggrieved thereby, the petitioner preferred an appeal before the 3rd respondent, Regional Joint Commissioner, Multi-Zone-I, Endowments Department, Kakinada, East Godavari District. The appellate authority rejected the appeal through his order, dated 25.09.2004. The petitioner challenges the same in this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Endowments.

The petitioner is the tenant of the agricultural land belonging to the 1st respondent-temple. Uncertainty continued as to the nature of rights of such tenants till the Supreme Court rendered its decision recently upholding the validity of Section 82 of the Act and the provision was amended. By operation of Section 82 of the Act, the tenancies in respect of agricultural lands stand terminated. However, a benefit is conferred upon the tenants, who are landless poor, as defined under the explanation. In their case, they are provided with an option to purchase the lands under their possession on payment of three-fourth of the market value of the land.

Government framed rules for the purpose of giving effect to the provisions of Section 82 of the Act. The Assistant Commissioner is conferred with the power to determine

the question as to whether the existing tenant is a landless poor. According to the explanation to Section 82(2) of the Act, any person who holds land not exceeding Ac.2.5 cents of wet land or Ac.5.00 of dry land either as owner or lessee is entitled to be declared as landless poor.

In the present case, it is not in dispute that the petitioner is a tenant in respect of Ac.2.84 cents of wet land belonging to the temple. In addition to that, he holds an extent of Ac.1.84 cents of dry land as owner. Therefore, the question of the petitioner being treated as landless poor does not arise. The 2nd respondent as well as the appellate authority have taken these aspects into account and rejected the claim of the petitioner.

This court does not find any basis to interfere with the same. Hence, the writ petition is dismissed. There shall be no order as to costs.

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19.01.2005

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To

1 The Person-In-Management,
Sri Visweswara Swamy Temple, Tatipaka,
Razole Mandal, East Godavari District.
2 Assistant Commissioner, Endowments Department,
Rajahmundry, East Godavari District.
3 Regional Joint Commissioner, Multi-Zone-I,
Endowments Department, Kakinada, East Godavari District.

4 2CCs to the G.P for Endowments, High Court Buildings,

Hyderabad(O.U.T).

5 2CD copies.